IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Review Petition No.15/2006
In
S.B. Civil Second Appeal No.20/1999

Rajendra Prasad S/o Shri Vishwanath Chotiya & Others
...defendant-petitioners
Versus
Smt. Manju Devi D/o Shri Vishwanath
...defendant-respondent
AND
Shyam Sunder Kanoi & Others
...proforma-plaintiff-respondents

AND
S.B. Civil Misc. Application No.38/2006
In
S.B. Civil Second Appeal No.20/1999

Smt. Manju Devi D/o Shri Vishwanath
Versus
Shyam Sunder Kanoi & Others

Date of Order ::: 23.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Dileep Sinsinwar, Counsel for petitioners in review petition No.15/06
Shri Karanpal Singh, Counsel for applicant in the application No.38/06

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By the Court:-

Heard learned counsel for the petitioners on the application under Section 5 of the Limitation Act for condonation of 505 days delay in filing the review petition as well as on admission of the review

petition.

The Civil Second Appeal No.20/1999 was dismissed as withdrawn by this Court (Hon'ble Mr. Justice S.K. Keshote, as he then was) on the basis of the statement of the learned counsel for the appellant under the instructions of her client and time was granted to vacate the suit premises.

The present petition for review has been filed on the ground that the petitioner did not give any instructions to her counsel. There is a specific mention in the order dated 10.2.2004 that the learned counsel for the appellant made a statement under the instructions of his client and there is no reason to disbelieve the statement of the learned counsel, who gave his statement before this court on 10.2.2004. There is no error apparent on the face of the record so as to review the order dated 10.2.2004.

I have also considered the reasons given in the application under Section 5 of the Limitation Act. I do not find any satisfactory reasons for condoning the delay of 505 days. The application under Section 5 of the Limitation Act is accordingly dismissed.

Consequently, the review petition is dismissed being barred by limitation as well as on merits also.

Consequent upon dismissal of the review

petition itself, the Miscellaneous Application No.38/2006 dated 8.7.2005, does not survive and the same is also dismissed.

(Narendra Kumar Jain) J.

//Jaiman//